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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/676,028

10/02/2003

Akihiro Hatakenaka

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08/25/2006

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EXAMINER

PEYTON, TAMMARA R

ART UNIT

PAPER NUMBER

2182

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/676,028	<b>Applicant(s)</b> HATAKENAKA, AKIHIRO	
	<b>Examiner</b> Tammara R. Peyton	<b>Art Unit</b> 2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **Election/Restrictions**

Restriction to one of the following inventions is requirement under 35 U.S.C. 121:

I. Claims 1-29, drawn to an information processing system setting a parameter related to target data, comprising:

an output unit outputting the target data;

an operation unit detecting a user's indication;

an output control unit changing a parameter value ranging from a value of a start point to a value of an end point gradually as time elapses and outputting the target data with the parameter value set, from said output unit; and  
a processing unit establishing the parameter value when detecting the user's indication as a parameter value related to the target data, classified in class 710, subclass 5.

II. Claim 30 is drawn a method of setting a parameter related to image data, comprising: changing a parameter value with respect to an image data; and providing an animation of the image data effecting time-based variations in accordance with the parameter value including minimum and maximum values of the parameter value and states of the image data prior and subsequent to said changing, classified in class 386, subclass 55.

Inventions I and II are related as combinations disclosed as usable together in a single combination. The combinations are distinct from each other if they are

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shown to be separately usable. In the instant case, Invention II has separate utility such as "changing a parameter value with respect to an image data; and providing an animation of the image data effecting time-based variations in accordance with the parameter value including minimum and maximum values of the parameter value and states of the image data prior and subsequent to said changing", See MPEP j 806.05(d).

A call was placed to Applicant's Attorney Temnit Afework on 8/15/06 about an oral election of claims 1-29. An election without traverse was made for claims 1-29 and claim 30 was withdrawn from consideration.

### **DETAILED ACTION**

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1- 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shore et al., (US 6,353,461).

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As per claims 1-29, Shore teaches an information processing system setting a parameter (real-time special effects filtering/editing etc.) related to target data (video/ still image), comprising:

- an output unit outputting the target data;

- an operation unit detecting a user's indication (editing changes);

- an output control unit changing a parameter value ranging from a value of a start point to a value of an end point gradually as time elapses (almost real-time) and outputting the target data with the parameter value set, from said output unit; and

- a processing unit establishing the parameter value when detecting the user's indication as a parameter value related to the target data. (Abstract, cols. 2-20)

Shore teaches a video/still image editing process for a plurality of input cameras wherein the editing preview process allows for near in real-time viewing of special effects editing of the video/still image. It would have been obvious to one of ordinary skill at the time the invention was made that the claim language "gradually as time elapses" is not clearly defined as a time between the editing and the preview of the user changes. (see arguments in previously Office Actions), however, Shore does teach allowing near real-time editing therefore Examiner is taking the position that Shore teaches changing a parameter value obviously from a start point to an end point gradually as time elapses.

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### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammara Peyton whose telephone number is (571) 272-4157. The examiner can normally be reached between 6:30 - 4:00 from Monday to Thursday, (I am off every first Friday), and 6:30-3:00 every second Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on (571) 272-4147. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Mailed responses to this action should be sent to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231.

Faxes for Official/formal (After Final) communications or for informal or draft communications (please label "PROPOSED" or "DRAFT") sent to:

(571) 273-8300

Hand-delivered responses should be brought to:  
USTPO, Randolph Building, Customer Service Window  
401 Dulany Street  
Alexandria, VA 22314.

Tammara Peyton  
August 18, 2006

TAMMARA PEYTON  
SEAFY EXAMINER  
